

# **EXHIBIT 1**

Email

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**Re: LOCAL RULE 7.1; MOTION STRIKE**

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rgoren@richardgorenlaw.com <rgoren@richardgorenlaw.com>

Tue, Feb 6, 2018 at 7:17 AM

To: "Jay M. Wolman" <jmw@randazza.com>

Cc: Randazza Marc John <mjr@randazza.com>, "ecf@randazza.com" <ecf@randazza.com>, "tjf@randazza.com" <tjf@randazza.com>

This is a LR 7.1 communication on two discrete subjects:

(i) defendant in counterclaim's motion for leave to file a reply to plaintiff in counterclaim's opposition to defendant in counterclaim's motion for judgment on the pleadings; and,

(ii) defendant in counterclaim's motion to strike plaintiff in counterclaim's opposition to defendant in counterclaim's motion for judgment on the pleadings.

The reply will address the issue raised by your opposition's contention that the motion for judgment on the pleadings "misconstrues the statute."

Please advise as to your position: (i) assent; (ii) do not object; or (iii) you tell me. Kindly do so today.

As to the second subject and your request

I understand you to wish to move to strike something you claim is scandalous and immaterial. What is it that you claim is either scandalous or immaterial? That is, please quote us to us so we are all on the same page. This would be far simpler to do telephonically.

Your letter is particularly puzzling in light of the litigation to date, which we believe is necessary to discuss to avoid further multiplication of the proceedings.

At present the sole purported cause of action pending in this case is the May 26, 2017 counterclaim as to which defendant in counterclaim contends fails to state a claim.

My February 2d letter in *haec verbae* pointed out that the motion for judgment on the pleadings "presents a question of law."

As counsel to Mr. Zaiger you filed a flurry of documents, your brief and exhibits, the entirety of which is the subject of the contemplated motion to strike.

Nor will I "quote" any specific scandalous lies, gratuitous pejorative opinions, and/or defamation and hence give counsel another opportunity to publicly publish same in the public record by means of some purported sworn lament about counsels' Local Rule 7.1 communications.

And I will resist the temptation to comment or question the line drawing on zealous advocacy by Mr. Zaiger's counsel.

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**From:** "Jay M. Wolman" <[jmw@randazza.com](mailto:jmw@randazza.com)>

**Date:** Monday, February 5, 2018 at 5:50 PM

**To:** "[rgoren@richardgorenlaw.com](mailto:rgoren@richardgorenlaw.com)" <[rgoren@richardgorenlaw.com](mailto:rgoren@richardgorenlaw.com)>

**Cc:** Randazza Marc John <[mjr@randazza.com](mailto:mjr@randazza.com)>, "[ecf@randazza.com](mailto:ecf@randazza.com)" <[ecf@randazza.com](mailto:ecf@randazza.com)>, "[tjf@randazza.com](mailto:tjf@randazza.com)" <[tjf@randazza.com](mailto:tjf@randazza.com)>

**Subject:** Re: LOCAL RULE 7.1;MOTION STRIKE

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